

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

CHUKWUMA E. AZUBUKO,)	
)	
Plaintiff)	
)	
v.)	Civil No. 06-180-P-S
)	
US COURT OF APPEALS FOR)	
THE ELEVENTH CIRCUIT,)	
)	
Defendant)	

RECOMMENDED DECISION

Chukwuma E. Azubuko has filed a complaint in this court naming the United States Court of Appeals for the Eleventh Circuit as the defendant. The complaint, which purports to set forth nine separate counts, appears to be at heart a claim that the Eleventh Circuit dismissed without "reasonable reasons" cases that were on appeal to that court. The complaint lists five cases in which Azubuko's name appears as the plaintiff and other individuals appear as defendants and it appears that these were the cases Azubuko claims the Eleventh Circuit wrongfully dismissed. Azubuko, who provided the court with a post office box in Boston, Massachusetts as his address, gives no apparent reason for filing this complaint in the District of Maine. Nor is his complaint accompanied by either the filing fee or an application to proceed in forma pauperis. It appears that part of his dispute with the Eleventh Circuit may relate to a filing fee waiver, but the allegations are not clearly set forth.

Assuming that if pressed Azubuko would submit an affidavit to this court and qualify for in forma pauperis status, I believe the complaint, in its present form, would be subject to summary dismissal in any event. It is preposterous to suggest that the District of Maine has

jurisdiction to entertain an action brought against the United States Court of Appeals for the Eleventh Circuit based upon that court's apparent decision to dismiss five cases brought by Azubuko. Additionally, although the complaint purports to allege nine separate counts, there is no recognizable legal theory supporting any of those "counts." I recommend that the court summarily dismiss this pleading from the docket as it completely fails to state any claim for which relief can be granted by this court.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

October 26, 2006